

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-001447

02/21/2014

HON. ROGER E. BRODMAN

CLERK OF THE COURT

K. Philpot

Deputy

IN RE THE MATTER OF
THOMAS BARNES

THOMAS BARNES
1739 W 5TH PL
MESA AZ 85201

AND

SUKARIA JONES

SUKARIA JONES
242 E PLACITA NUBES BLANCAS
SAHUARITA AZ 85629

CONCILIATION SERVICES-CCC
FAMILY COURT SERVICES-CCC
FINANCIAL SERVICES-BILLING-CCC

MINUTE ENTRY

Courtroom CCB 601

1:33 p.m. This is the time set for status conference. Petitioner/Father Thomas Barnes appears on his own behalf. Respondent/Mother Sukaria Jones appears on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Thomas Barnes and Sukaria Jones are sworn.

Discussion is held with the Court regarding the status of the case.

Based on the discussion held,

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By agreement of the parties,

IT IS ORDERED the parties will continue with the current parenting time schedule, however, Father shall be entitled to additional time as mutually agreed upon by both parties provided that Father give Mother at least seven days advance notice.

IT IS FURTHER ORDERED that the parties document when Father exercises his parenting time.

IT IS FURTHER ORDERED that Mother must complete the Parent Information Class and file a copy of the certificate with the Clerk of Court.

IT IS FURTHER ORDERED that within three weeks from today's date, the parties are required to file a current Affidavit of Financial Information (AFI), and provide a copy to the opposing party.

PARENTING CONFERENCE REFERRAL

IT IS ORDERED the parties shall participate in a Parenting Conference. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

Parent Conferences (PCs) typically involve up to four (4) hours of direct professional services. Given the narrowed scope and level of assessment of the PC, the Provider limits the documents accepted for review and the amount of time available to family members to present their concerns. If a litigant or litigant's attorney seeks to submit any documents for consideration, the Provider may decide to consider only those documents the Provider believes relevant based on the limited scope of these conferences.

THE COURT FINDS that both parties are unable to afford to pay the entire Parenting Conference Fee of \$300 per party today, but are eligible to make monthly payments pursuant to a payment plan.

Therefore,

IT IS ORDERED that both parties shall pay their portion of the Parenting Conference Fee at a rate of **\$50** per month to the Clerk of the Court beginning thirty (30) days from the date of this minute entry.

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WARNING

IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE AND/OR PAY ANOTHER PARENTING CONFERENCE FEE AND/OR PAY THE FEES OF THE APPEARING PARTY. THE PARENTING CONFERENCE PROVIDER IS AUTHORIZED TO SCHEDULE THE CONFERENCE AND ACCOMMODATE REASONABLE SCHEDULING REQUESTS FROM THE PARTIES. IF YOUR SCHEDULING REQUEST IS NOT PERMITTED BY THE PROVIDER AND YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A WRITTEN REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE AT LEAST THREE FULL COURT DAYS IN ADVANCE OF THE CONFERENCE IN ORDER TO AVOID FEE COLLECTION.

IT IS ORDERED that Father shall pay to Mother the sum of **\$330.00** per month as and for temporary child support commencing March 1, 2014 and continuing on the same day of each month thereafter. Said amount is to be paid through the Support Payment Clearinghouse by Income Withholding Order. Father is personally responsible for the timely payment of support as well as the \$5.00 monthly handling fee.

LET THE RECORD REFLECT an Income Withholding Order is initiated electronically by the above-named deputy clerk. Confirmation # 413828.

Until the Income Withholding Order becomes effective, it is the responsibility of the party obligated to pay support/maintenance to pay the support to:

**Support Payment Clearinghouse
P. O. Box 52107
Phoenix, Arizona 85072-2107**

The payment should show the case number and/or ATLAS case number and the name of the party paying support and the name of the party who will receive the payment.

If payment is made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change

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(A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

At any time Father and/or his employer are not paying pursuant to the Income Withholding Order, Father must make timely payment of support and fees directly to the Support Payment Clearinghouse. Failure to make timely payment of support may result in a finding of contempt which may result in sanctions, including incarceration.

TRIAL SETTING

IT IS ORDERED:

1. A trial regarding Petitioner's Petition for Child Custody, Parenting Time and Child Support will take place as follows:

a. **Date – May 30, 2014**

b. **Time – 10:30 a.m.**

c. **Location** – Maricopa County Superior Court
Central Court Building
201 W. Jefferson
Courtroom 601
Phoenix, Arizona 85003

2. **Time Set Aside for You** – The Court has set aside **90 minutes** for this trial. Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

3. **Findings of Fact and Conclusions of Law** – You may request findings of fact and conclusions of law regarding the following issues, if they are contested: child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request findings of fact and conclusions of law, you must file a written request with the Court before the trial. If you do so, the Court will include findings of fact and conclusions of law in its final, written decision.

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If either party asks the Court to make findings of fact and conclusions of law regarding any issue, then each party must file written proposed findings of fact and conclusions of law regarding all such issues twenty days before trial. The proposed findings also must be submitted in an electronic form (preferably Microsoft Word) that can be edited. **The proposed findings and conclusions must be submitted as an attachment to the Pretrial Memorandum** (the Pretrial Memorandum is discussed below). **If you fail to do this, you will be deemed to have waived a request for such findings and conclusions.**

4. **Additional Time** – If you think additional time needs to be set aside, you must request it by filing a motion not later than 30 days before the trial date. That request must include a reasonable explanation for the request **ALONG WITH** a list of each witness that you intend to have testify, a statement that describes what you expect each such witness to say, and an estimate of the amount of time you think will be necessary for that witness to testify. Because of the large number of cases assigned to this Division, it is very difficult to reschedule trials. Therefore, requests for additional time will be granted only in extraordinary circumstances.

5. **Continuances** – Requests to continue (or postpone) the trial are usually denied. If you think that a postponement is necessary, the request must be made by written motion as far in advance of the trial as possible, and that motion must present very specific reasons for the request.

Generally, merely stating in the motion that the other party and you are trying to reach a settlement, without any specifics about the areas of disagreement and what has so far prevented a settlement from being reached, will not be sufficient. Before filing such a motion, you should make a reasonable attempt to ask the other party (or that party's attorney, if there is one) whether that party agrees or disagrees about a postponement, and then state that party's position in the motion. Even if the other party agrees to the postponement, the motion must still provide sufficient reasons for the request.

VERY IMPORTANT
What You Need to Do Before the Trial

1. **Disclosure** -- You must tell the other party, in writing, everything that you will ask the Court to consider when deciding your case. Disclosure includes the following:

a. **Witnesses** – You must prepare a list of the witnesses whom you intend to present to testify on your behalf. The list must include the name, address (if known), and telephone number (if known) of each witness and a reasonable description about what you expect that witness to say in his or her testimony. The list must be mailed or hand-delivered to the other party and to the Court at least 30 days before the trial date. At the

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end of the list, you must certify the manner in which you provided the list to the other party.

b. **Exhibits** – If you want the Court to consider anything in writing or that can be copied onto paper (such as e-mails, text messages, and photographs), you must do the following: (i) prepare a list of each such item, (ii) copy each such item, and (iii) provide a copy of the list and a copy of each item on the list to the other party at least 15 days before the trial date. At the end of the list, you must certify the manner in which you provided the list and copies of everything listed to the other party. **DO NOT FILE EXHIBITS WITH THE CLERK OF COURT.**

In addition, a complete set of those exhibits (separated by a colored sheet) must be delivered to the Clerk of this Division at least 7 days before the hearing date so that the Clerk can “mark” the exhibits, i.e., assign the “official” numbers to those exhibits. If you do not do so, then each of your exhibits will have to be marked during the hearing. That will take time, and the time spent doing that will come out of the time allocated to you. **NOTE: DO NOT PROVIDE A BENCH COPY OF YOUR EXHIBITS.**

NOTE: We do not hold spots for supplemental exhibits.

c. **Affidavit of Financial Information** – At least 15 days before the trial date, you must file with the Court an Affidavit of Financial Information. In addition, at the same time, you must provide a copy of that Affidavit **and all attachments** specified in the Affidavit to the other party. The form to be used can be found on the Internet at this Court’s website.

d. **Expert Witnesses** – Expert witnesses are generally people with specialized training, education, or expertise, such as psychologists or accountants. If you intend to have an expert witness testify on your behalf, you must provide the name of the expert witness and the subject matter of his/her testimony to the other party, not less than 45 days before the scheduled trial date.

The requirements regarding expert witnesses will not apply to court-appointed parenting coordinators, Court Appointed Advisers, and other court appointees who submit written reports to the Court and the parties in advance of the trial. You will be permitted to have that person testify as you would any other witness, so long as you have included that person on your list of witnesses. Whether or not you ask that person to testify on your behalf, if you want the Court to consider any report that person wrote, you must include that report on your list of exhibits.

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2. **Discovery** – All discovery (for example, interrogatories, requests for documents, and depositions) must be completed at least 20 days before the trial date.

a. For interrogatories and document requests, “completed” means that you must send them to the other party **so that the responses will be due at least 20 days before the trial date**.

b. Any deposition transcripts, interrogatory answers, or written responses to document requests that you want the Court to consider should be listed on your list of exhibits.

c. You must comply with any reasonable request from the other party for written consents or releases that will allow the other party to obtain records and other documents that the Court may need to consider, including records from a bank or other financial institution where you have an account, a company including present and past employers, or health care providers including medical professionals who have treated you.

i. A party making such a request must have a reasonable basis for doing so and may not use this requirement as an opportunity to conduct a fishing expedition in the hope that something useful may turn up.

ii. If a party acts unreasonably, either when making such a request or when responding to it, in a way that forces the other party to incur any expense that could have been avoided, the party who acts unreasonably may be required to reimburse that expense.

3. **Pretrial Memorandum (Mandatory)** – At least 7 days before the trial date, you must provide the Court with a Pretrial Memorandum. You must also provide a copy to the opposing party unless that party has an attorney, and in that event, the copy must be provided to that attorney. That Memorandum should specify in detail what you want the Court to do and explain why that is reasonable. At a minimum, the Memorandum should include at least the following sections:

a. A **summary** of the issues on which you want the Court to rule (such as custody, child support, parenting time or visitation, division of property, division of debts, spousal maintenance, and so forth).

b. If there is a disagreement about **child support**, your Memorandum should state the amount that you think is reasonable and describe how you calculated that amount. For this requirement, the attachment of a completed Arizona Child Support Worksheet to the Memorandum is sufficient. The Arizona Child Support Guidelines can be found on the Internet at the website for the Arizona Supreme Court.

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If either party claims that previously-ordered child support has not been paid in full, then your Memorandum should state the amount, if any, that you think is owed and show what has been paid and when. Simply stating that a certain amount is unpaid or that a certain amount has been paid will not be sufficient: dates that payments were due and amounts of payments that either were paid or should have been paid on those dates must be provided.

c. If there is a disagreement about **legal decision-making authority** (legal custody), your Memorandum should discuss each factor listed in A.R.S. § 25-403(A) that you think is relevant and why you think that factor supports your position. A.R.S. § 25-403(A) can be found on the Internet or in the reference section of local public libraries.

d. If there is a disagreement about **parenting time**, your Memorandum should include the specific, detailed parenting plan that you want the Court to adopt, including regular, holiday, and vacation parenting time. Forms for parenting time can be found on the Internet, and the completion and attachment of such a form to your Memorandum will be sufficient.

e. Your Memorandum should include your final list of witnesses.

f. Your Memorandum should include your final list of exhibits.

CRITICAL NOTE TO PARTIES: If there is any issue about which you want the Court to make a ruling, and you fail to identify it in your Pretrial Memorandum, or if you fail to submit a Pretrial Memorandum altogether, unless you have a compelling excuse for that failure, you may be deemed to have waived that issue. Submitting the Memorandum on the day of trial will in most cases be the equivalent of not submitting any Memorandum at all.

The parties are not required to file a Joint Pretrial Statement. Instead, each party is required to file the separate Pretrial Memorandum described above. If the parties believe that it would be beneficial to submit a Joint Pretrial Statement, that will be acceptable so long as that Joint Pretrial Statement is timely submitted and it complies substantively with the requirements listed above.

4. **Attorney's Fees** –If a party requests an award of attorneys' fees and costs, the request should be noted in a single sentence in the Pretrial Memorandum along with citations to the legal authority on which the request is based.

5. **Parental Education Program** – If you and the other party have a natural or adopted minor child in common who is under the age of 18, then, if you have not done so already, at least

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7 days before the trial date, you must file with the Court proof that you have complied with the Parental Education Program requirements of A.R.S. § 25-351 and following.

What Happens When A Party Does Not Comply with These Requirements

If you do not appear for the trial on the date and at the time stated above, or if you do not comply with one or more of the requirements listed above, and you cannot provide a reasonable excuse for doing so, the Court may penalize you in one or more ways. Penalties may include a refusal to allow you to present certain evidence, a financial penalty, or a trial that proceeds as if you have consented to what the other party has requested (i.e., proceeding by default). See Ariz. Rs. Fam. L. P. 71(A); Maricopa Cty. Sup. Ct. R. 6.2(e).

**Finally,
A Few Suggestions**

In addition to complying with the requirements listed above, the presentation of your case probably will be much more effective if you do the following (but, these are only suggestions):

1. If any of your exhibits contain more than five pages, and those pages do not have page numbers on them, then without blocking out any relevant information, write in page numbers before you make the copies that you deliver to the Clerk and send to the other party. If possible, place those page numbers at or near the bottom right corner or the top right corner of each page. That way, during the trial, it will become much easier for witnesses, and the other party to find a specific page within a multi-page exhibit.

Summary of Important Deadlines

Last day to identify **witnesses** – 30 days before the trial date.

Last day to identify and provide copies of **exhibits** – 15 days before the trial date.

Last day to deliver exhibits to the Court's Clerk – 7 days before the trial date.

Last day to file **Affidavit of Financial Information** (and provide copy to the other party) – 15 days before the trial date.

Last day to provide copy of **expert witness** reports or declarations to the Court and the other party – 45 days before the trial date.

Last day to **complete discovery** – 20 days before the trial date.

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Last day to file **Pretrial Memorandum** (and provide copy to the other party) – 7 days before the trial date.

Last day to file proof of completion of **Parental Education Program** – 7 days before the trial date.

2:24 p.m. Matter concludes.

LATER:

LET THE RECORD REFLECT the courtroom clerk has updated Petitioner's employer information as reflected on the Current Employer Information form filed.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.